

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SUSQUEHANNA RADIO LLC)
Plaintiff,) CIVIL ACTION NO. 3:23-CV-01746-S
vs.)
JACOB KEMP and DANIEL McDOWELL)
Defendants.)

**DECLARATION OF L. DAVID ANDERSON IN SUPPORT OF PLAINTIFF
SUSQUEHANNA RADIO LLC'S RENEWED EMERGENCY APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND
REQUEST FOR PRELIMINARY INJUNCTION**

I, L. David Anderson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. My name is L. David Anderson. This Declaration is submitted in support of Plaintiff Susquehanna Radio LLC’s (“Susquehanna”) Renewed Emergency Application for Temporary Restraining Order and Preliminary Injunction (the “Renewed TRO Application”) (ECF No. 9).

2. I am a partner at the law firm of Baker & Hostetler LLP, 2850 N. Harwood Street, Suite 1100, Dallas, Texas 75201-2640, and I am counsel of record for Susquehanna in the above-captioned lawsuit.

3. I have personal knowledge of the matters set forth in this declaration.

4. On August 4, 2023, Susquehanna filed its Verified Original Complaint (the “Verified Complaint”) (ECF No. 1) in the above-styled action against Defendants Jacob Kemp (“Kemp”) and Daniel McDowell (“McDowell”) (collectively, “Defendants”).

5. On August 4, 2023, notice of the filing of the Verified Complaint, including a filed-stamped copy, was sent to Defendants' counsel, Phillip Kingston, via email at

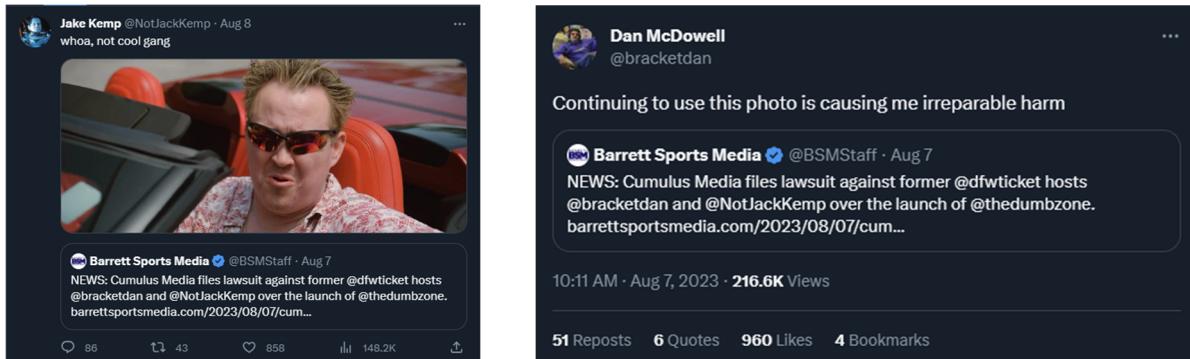
philip@sheilswinnubst.com, and via UPS Next Day Air (tracking number 1Z8006EV0108544996).

6. Defendant Kemp was personally served with a copy of the Verified Complaint on August 7, 2023 at approximately 10:30 a.m.

7. Susquehanna has attempted to serve the Verified Complaint on McDowell on at least three (3) occasions but thus far have been unable to serve McDowell.

8. Both Defendants have full knowledge of the Verified Complaint, as evidenced by their uploading of a video to YouTube discussing the Verified Complaint on Sunday, August 6, 2023.¹

9. Defendants have further acknowledged receipt of the Verified Complaint on social media:



10. On August 8, 2023, Susquehanna filed its Emergency Application for Temporary Restraining Order and Preliminary Injunction (the “Original TRO Application”). (ECF No. 5).

11. On August 8, 2023, Susquehanna sent a file-stamped copy of the Original TRO Application (ECF No. 5) to Defendants’ now counsel of record, Phillip Kingston, via email at philip@sheilswinnubst.com, and via UPS Next Day Air (tracking number 1Z 800 6EV 13 1315

¹ The Dumb Zone, *The Dumb Zone* 8-6-23, YouTube (August 6, 2023) <https://www.youtube.com/watch?v=ghxREFv5RDg>.

4401), to which Mr. Kingston replied on August 9, 2023.

12. On August 8, 2023, Susquehanna also sent a file-stamped copy of its Original TRO Application (ECF No. 5), to Defendants via UPS Next Day Air to their residential addresses (tracking numbers 1Z 800 6EV 13 0345 4614 and 1Z 800 6EV 13 9991 0558).

13. On August 9, 2023, attorney Matthew Bruenig applied for pro hac vice admission to this Court on behalf of Defendants (ECF No. 6), and listed Mr. Kingston as local counsel of record for Defendants in this matter.

14. On August 9, 2023, the Court denied Susquehanna's Original TRO Application pursuant to Fed. R. Civ. P. 65(b)(1)(B). (ECF No. 7).

15. On August 9, 2023, Susquehanna filed its Renewed TRO Application (ECF No. 9).

16. As of the filing of the Renewed TRO Application, Susquehanna has served a copy of the Renewed TRO Application to:

- a. Mr. Kingston via email at philip@sheilswinnubst.com.
- b. Mr. Kingston via URS overnight delivery to 1701 N. Collins, Ste 1100, Richardson, Texas 75080.
- c. Mr. Bruenig via the Court's Electronic Filing System and via email at matthewbruening@gmail.com.
- d. Mr. Bruenig via UPS overnight delivery to 124 4th St, Stamford, Connecticut, 06905.

17. Accordingly, Susquehanna (i) has provided full notice to Defendants and their attorneys of record of the Renewed TRO Application, (ii) is requesting a hearing before the Court on its Renewed TRO Application, and (iii) is not requesting its Renewed TRO Application to be heard *ex parte* pursuant to Fed. R. Civ. P. 65(b)(1)(B).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 9, 2023.

A handwritten signature in blue ink, appearing to read "L. David Anderson".

L. David Anderson